

Message Text

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ACTION SS-30

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O 092250Z OCT 74

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC NIACT IMMEDIATE 5453

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 7767

EXDIS

E.O.11652: GDS

TAGS: PINS, BR

SUBJECT: AMCIT FREDERICK MORRIS

REF: BRASILIA 7761

1. WITH REFERENCE TO PARA 8 REFTTEL, FOLLOWING
ARE THE SUGGESTED STATEMENTS WITH OPTIONS A BEING
THE MILD BUT GENERAL RESPONSES AND OPTIONS B THE
STRONGER AND MORE DETAILED REPLIES.

2. ISSUE 1: MORRIS' ALLEGED CIA INVOLVEMENT:

A. OPTION A: FROM THE OUTSET OF THE MORRIS CASE, THE
EMBASSY INFORMED THE BRAZILIAN GOVERNMENT THAT MORRIS HAS
HAD NO INVOLVEMENT OF ANY KIND WITH THE CIA OR ANY OTHER
UNITED STATES GOVERNMENT INTELLIGENCE AGENCY.

B. OPTION B: FRED MORRIS IS NOT ASSOCIATED WITH
ANY INTELLIGENCE SERVICE OF THE UNITED STATES GOVERNMENT.

IN THE FIRST INSTANCE, THE EMBASSY GAVE SUCH CATEGORIC
ASSURANCES TO THE GOB ON OCTOBER 3 IN ANSWER TO AN
INQUIRY BY BRAZILIAN GOVERNMENT OFFICIALS. THE UNITED
STATES AMBASSADOR ALSO PERSONALLY REFERRED TO THOSE
ASSURANCES IN HIS CONVERSATION WITH THE FOREIGN MINISTER
ON OCTOBER 4. AND THE EMBASSY IN A FORMAL NOTE DELIVERED
TO THE FOREIGN MINISTRY ON OCTOBER 9, YET AGAIN INFORMED
THE BRAZILIAN GOVERNMENT THAT FRED MORRIS IS NOT AND
HAS NOT BEEN ASSOCIATED WITH ANY INTELLIGENCE SERVICE
OF THE UNITED STATES GOVERNMENT. MORRIS TOLD THE
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AMERICAN CONSUL THAT DURING INTERROGATION BRAZILIAN

SECURITY PERSONNEL TOLD HIM THAT HE HAD TWO CHOICES INsofar AS A CONFESSION WAS CONCERNED. MORRIS COULD CONFESS TO BEING A COMMUNIST OR TO BEING AN AGENT OF THE CIA. THE INTERROGATOR, MORRIS SAID, TRIED TO CONVINCE HIM THAT BY TAKING THE SECOND CHOICE HIS SITUATION WOULD BECOME LESS DIFFICULT. MORRIS SAID HE REFUSED TO ACCEPT EITHER CHOICE BECAUSE HE NEVER HAS BEEN A COMMUNIST NOR A CIA AGENT.

3. ISSUE 2: PHYSICAL MISTREATMENT OF MORRIS, AND CAUSES OF VISIBLE INJURIES:

A. OPTION A: MORRIS TOLD THE AMERICAN CONSUL IN RECIFE THAT HE HAD BEEN PHYSICALLY MISTREATED DURING THE FIRST 30 HOURS HE WAS HELD BY BRAZILIAN AUTHORITIES. THE AMERICAN CONSUL IN RECIFE OBSERVED BRUISES AND CONTUSIONS ON MORRIS' BODY. THE CONSUL IS AN EXPERIENCED OFFICER IN WHOM THE UNITES STATES AMBASSADOR HAS FULL CONFIDENCE. (ONLY IF PRESSED, WOULD THE EMBASSY SOPKESMAN GO INTO DETAILS OF THE INJURIES THE CONSUL SAW ON MORRIS' BODY AND ON WHAT MORRIS REPORTED TO HIM REGARDING PHYSICAL MISTREATMENT.)

B. OPTION B: MORRIS TOLD THE AMERICAN CONSUL IN RECIFE THAT HE HAD BEEN PHYSICALLY MISTREATED DURING THE FIRST 30 HOURS HE WAS HELD BY BRAZILIAN AUTHORITIES. THE CONSUL ALSO REPORTS THAT DURING HIS FIRST VISIT TO MORRIS ON OCTOBER 3, HE PERSONALLY OBSERVED BRUISES AND CONTUSIONS ON MORRIS' LOWER BACK, BUTTOCKS, AND WRISTS, WHERE, ACCORDING TO MORRIS, HE HAD BEEN SHACKLED TO THE CELL DOOR. MORRIS TOLD OUR CONSUL THAT HE WAS ASSAULTED PERIODICALLY BY AGENTS WHO HIT HIM IN THE STOMACH, GROIN, AND LOWER BACK. HE ALSO SAID HE WAS SLAPPED OCCASIONALLY ABOUT THE FACE. HE FURTHER STATED THAT ELECTRODES WERE ATTACHED AT VARIOUS TIMES TO VARIOUS PARTS OF HIS BODY AND HE WAS SUBJECTED TO ELECTRIC SHOCKS VARYING IN INTENSITY FROM LIGHT, ANNOYING PULSATIONS TO

SUDDEN JOLTS OF INTENSITY. HE STATED THAT HE RECALLED LOSING CONSCIOUSNESS AFTER ONE PARTICULARLY INTENSIVE SHOCK.

REGARDING ALLEGATIONS THAT MORRIS' INJURIES MIGHT
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HAVE OCCURRED BEFORE HE WAS DETAINED, THERE HAVE BEEN AT LEAST THREE CONFLICTING ACCOUNTS WHICH APPARENTLY HAVE NO BASIS IN FACT. ONE HAS IT THAT MORRIS SUSTAINED HIS INJURIES IN A MOTORCYCLE ACCIDENT: MORRIS STATES THAT HE WAS INVOLVED IN A MOTORCYCLE ACCIDENT ON SEPTEMBER 27, BUT THAT THIS RESULTED ONLY IN A SLIGHT SKIN ABRASION ON HIS RIGHT KNEE. ANOTHER ACCOUNT HAS IT THAT MORRIS JUMPED FROM HIS APARTMENT WINDOW,

SEEKING TO ESCAPE APPREHENSION BY BRAZILIAN SECURITY AGENTS: MORRIS SAYS THAT HE WAS ARRESTED IN FRONT OF HIS APARTMENT BUILDING. IN POINT OF FACT, MORRIS' APARTMENT WINDOWS ARE 23 TO 25 FEET (ABOUT EIGHT METERS) ABOVE THE GROUND, AND A JUMP FROM SUCH A HEIGHT NORMALLY WOULD OCCASION INJURIES OF A DIFFERENT TYPE -- SUCH AS BROKEN BONES -- THAN THOSE THE CONSUL OBSERVED ON MORRIS' BODY. FURTHER, THE INJURIES TO MORRIS' WRISTS AS OBSERVED BY THE CONSUL WOULD NOT LIKELY RESULT FROM EITHER A MOTORCYCLE ACCIDENT OR A FALL FROM 25 FEET: THEY MORE LIKELY WOULD RESULT FROM BEING SHACKLED TO A CELL DOOR, AS MORRIS DESCRIBED. A THIRD ACCOUNT HAS IT THAT MORRIS SUSTAINED HIS INJURIES BY SLIPPING AND FALLING.

INCIDENTALLY, MORRIS DESCRIBED A DIFFICULTY IN MOTOR ABILITY IN HIS HANDS AS A RESULT OF HIS INJURIES, AND THIS PROBLEM HAS NOT TOTALLY CLEARED UP YET. MORRIS HAS REPORTED THAT, AS A RESULT OF DAILY MEDICATED MASSAGES AND HEAT-LAMP TREATMENTS GIVEN HIM SINCE THE NIGHT OF OCTOBER 4 BY A MALE NURSE IN HIS CELL, AND ALSO BECAUSE OF MEDICINES GIVEN HIM WHICH HE HAS TAKEN ORALLY, HIS BRUISES AND CONTUSIONS HAVE BEEN HEALING STEADILY.

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TO SECSTATE WASHDC NIACT IMMEDIATE 5454

C O N F I D E N T I A L SECTION 2 OF 2 BRASILIA 7767

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4. ISSUE 3: CONSULAR ACCESS:

A. OPTION A: MORRIS WAS ARRESTED BY BRAZILIAN SECURITY AGENTS ON SEPTEMBER 30. THE AMERICAN CONSUL IN RECIFE BEGAN SEEKING INFORMATION ON MORRIS' WHEREABOUTS FROM BRAZILIAN SECURITY AUTHORITIES ON OCTOBER 1. HE WAS NOT INFORMED THAT MORRIS WAS UNDER CUSTODY UNTIL

OCTOBER 2. ON OCTOBER 2, WHEN THE CONSUL -- CITING THE VIENNA CONVENTION, WHICH GUARANTEES ACCESS BY CONSULAR OFFICERS TO VERIFY THE WELFARE OF DETAINEES OF NATIONS OF THE CONSUL'S COUNTRY -- ASKED TO SEE MORRIS, HE WAS DENIED ACCESS. THE CONSUL FINALLY WAS ALLOWED TO SEE MORRIS ONLY ON OCTOBER 3, THE FOURTH DAY MORRIS WAS IN CUSTODY OF BRAZILIAN SECURITY AUTHORITIES. UNDER THE TERMS OF THE VIENNA CONVENTION, THIS CANNOT BE CONSIDERED AS AN APPROPRIATE RESPONSE FROM THE BRAZILIAN AUTHORITIES IN RECIFE.

B. OPTION B: MORRIS WAS HELD INCOMMUNICADO BY BRAZILIAN SECURITY AUTHORITIES FOR SOME 72 HOURS BEFORE THE AMERICAN CONSUL IN RECIFE WAS ALLOWED TO SEE HIM. THIS, DESPITE THE FACT THAT THE CONSUL BEGAN INQUIRIES OF THOSE SECURITY AUTHORITIES LESS THAN 24 HOURS AFTER MORRIS HAD BEEN DETAINED. MORRIS WAS ARRESTED ON SEPTEMBER 30. THE AMERICAN CONSUL BEGAN SEEKING INFORMATION ABOUT MORRIS' WHEREABOUTS FROM BRAZILIAN SECURITY AUTHORITIES IN RECIFE ON OCTOBER 1. BRAZILIAN OFFICIALS ON THE EVENING OF OCTOBER 1 TOLD THE CONSUL THAT THEY HAD NO KNOWLEDGE WHETHER MORRIS HAD BEEN DETAINED: THE FOLLOWING AFTERNOON, ON OCTOBER 2, A BRAZILIAN CONFIDENTIAL

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OFFICIAL INFORMED THE CONSUL THAT MORRIS INDEED WAS BEING HELD BY SECURITY ELEMENTS OF THE FOURTH ARMY. THE CONSUL THEN IMMEDIATELY REQUESTED ACCESS TO MR. MORRIS UNDER THE TERMS OF ARTICLE 36 OF THE VIENNA CONVENTION ON CONSULAR RELATIONS AND BRAZILIAN DECREE LAW 61,078 OF JULY 28, 1963. THIS ENTIRELY LEGITIMATE REQUEST BY THE CONSUL WAS REFUSED BY A FOURTH ARMY OFFICER -- AND THAT ACTION LATER BACKED UP BY THE OFFICER'S SUPERIOR. FINALLY, AFTER THE EMBASSY HAD REQUESTED INTERVENTION FROM ITAMARATY, THE CONSUL WAS FIRST ALLOWED TO SEE MORRIS AT 1730 ON THE EVENING OF OCTOBER 3. THE UNITED STATES AMBASSADOR IN A NOTE PERSONALLY DELIVERED TO THE FOREIGN MINISTER ON OCTOBER 4. PROTESTED -- IN ADDITION TO INHUMANE TREATMENT GIVEN THE PRISONER -- THE INITIAL DENIAL BY SECURITY AUTHORITIES OF MORRIS' DETENTION AND OF SUBSEQUENT DENIAL OF CONSULAR ACCESS TO MORRIS, ONCE THE BRAZILIAN SECURITY AUTHORITIES ADMITTED HE WAS DETAINED.

THE AMERICAN CONSUL WAS AGAIN DENIED ACCESS TO MORRIS ON FRIDAY, OCTOBER 4, AND ON THE MORNING OF SATURDAY, OCTOBER 5. ACCESS WAS RENEWED ONLY AT THE EMBASSY'S INTERVENTION WITH ITAMARATY.

5. IN EACH ISSUE ABOVE, OPTIONS A WOULD BE USED IF AT ALL POSSIBLE WITHOUT GOING INTO FURTHER DETAIL. OPTIONS B COULD BE EXPANDED, DEPENDING UPON THE

SITUATION, INCLUDING POSSIBLY USE OF THE FOLLOWING
PARAGRAPH.

6. ISSUE 4: U.S. HANDLING OF MEDIA QUERIES.

HERE THERE WOULD BE ONLY ONE SUGGESTED APPROACH:

AS REGARDS THE UNITED STATES EMBASSY'S INFORMATION
TO THE PRESS CONCERNING THE STATUS OF MORRIS: THE
EMBASSY DID NOT INITIATE THE EARLIEST PRESS REPORTS OF
MORRIS' DETENTION. THESE WERE PUBLISHED OCTOBER 3 IN THE
DIARIO DE PERNAMBUCO AND THE JORNAL DO COMMERCIO, BOTH
IN RECIFE. THE EMBASSY BEGAN RECEIVING QUERIES FROM
AMERICAN PRESS CORRESPONDENTS AS EARLY AS THE AFTERNOON
OF OCTOBER 3. IT POSTPONED RESPONSE TO THOSE QUERIES UNTIL
IT HAD RECEIVED A REPORT FROM THE AMERICAN CONSUL IN
RECIFE: WHEN THE EMBASSY HAD THAT REPORT IN HAND --
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INCORPORATING, AS IT DID, THE DENIAL BY AUTHORITIES OF
CONSULAR ACCESS AND MORRIS' REPORT OF PHYSICAL MISTREATMENT
WHILE HE WAS UNDER CUSTODY -- THE EMBASSY HAD NO CHOICE BUT
TO RESPOND FACTUALLY ABOUT MORRIS' ARREST TO SPECIFIC
INQUIRIES. THE EMBASSY AT NO TIME HAS INITIATED CONTACTS
WITH MEDIA REPRESENTATIVES -- BRAZILIAN OR FOREIGN -- IN
ORDER TO STATE THE FACTS ABOUT THE MORRIS ARREST: NOR DID
IT AT ANY TIME DISCUSS THE LEGAL MERITS OF THE CASE THE
BRAZILIAN AUTHORITIES HAD AGAINST MORRIS. THE EMBASSY,
IN OTHER WORDS, LIMITED ITSELF TO ANSWERING QUESTIONS
BY MEDIA REPRESENTATIVES IN THOSE AREAS IN WHICH IT HAD
LEGITIMATE CONCERN -- THE WELL-BEING OF THE PRISONER
AND ITS RESPONSIBILITIES (AND RIGHTS UNDER THE VIENNA
CONVENTION) TO ASSURE MORRIS REGULAR VISITS BY A
CONSULAR OFFICER.
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